

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE**

<b>IN RE:</b>	)	
<b>ERICA LATASHA ANDERSON</b>	)	<b>CASE NO: 17-04719</b>
<b>1510 HUNTINGTON DR. #B-1</b>	)	<b>CHAPTER 13</b>
<b>MURFREESBORO, TN 37130</b>	)	<b>JUDGE HARRISON</b>
<b>SSN: XXX-XX-2977</b>	)	
<b>Debtor.</b>	)	

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**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: SEPTEMBER 2, 2021**  
**IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: SEPTEMBER 8, 2021 AT 8:30 AM**  
**IN COURTROOM 1, 2<sup>nd</sup> FLOOR, CUSTOMS HOUSE, 701 BROADWAY, NASHVILLE, TN 37203**

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**NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN UNDER 11 U.S.C. §1329 TO  
SURRENDER VEHICLE**

The debtor has asked the court for the following relief: to modify Chapter 13 Plan

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at:

[<https://ecf.tnmb.uscourts.gov><https://ecf.tnmb.uscourts.gov>](https://ecf.tnmb.uscourts.gov).

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at [<https://ecf.tnmb.uscourts.gov>](https://ecf.tnmb.uscourts.gov).

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Date: August 12, 2021

/s/ Alex Koval  
ALEX KOVAL, #029541  
Clark & Washington, PC

Attorneys for Debtor(s)  
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Nashville, TN 37228  
615-251-9782; Fax: 615-251-8919  
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FOR THE MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE**

<b>IN RE:</b>	)	
<b>ERICA LATASHA ANDERSON</b>	)	<b>CASE NO: 17-04719-CW3-13</b>
<b>1510 HUNTINGTON DR. #B-1</b>	)	<b>CHAPTER 13</b>
<b>MURFREESBORO, TN 37130</b>	)	<b>JUDGE HARRISON</b>
<b>SSN: XXX-XX-2977</b>	)	
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**MOTION TO MODIFY CHAPTER 13 PLAN UNDER 11 U.S.C. §1329 TO SURRENDER  
VEHICLE**

Comes now the Debtor, by and through counsel, and would show unto this Honorable Court the following:

1. The Debtor filed a Petition for Relief with this Court on July 12, 2017.
2. The Meeting of Creditors was held on August 29<sup>th</sup>, 2017, and the plan was confirmed on November 8<sup>th</sup>, 2017 providing for a secured claim of Inland Bank Insolve Auto Funding (“Insolve”) in the amount of \$15,388.00 with the interest rate of 22% and a monthly payment of \$425.00. Insolve provided financing for the purchase of the Debtor’s 2016 Chrysler 200 (the “Vehicle”)
3. The vehicle is no longer operable and the Debtor is unable to perform the necessary repairs, therefore, the Debtor has elected to surrender the vehicle to Insolve and grant Insolve relief from the automatic stay of 11 U.S.C. § 362 to collect and dispose of the vehicle.
4. Accordingly, the Debtor seeks to modify the Confirmation Order of November 8, 2017 to temporarily suspend the monthly payments required pursuant to 11 U.S.C. 1325 (a)(5) on claims associated with the vehicle until Insolve files an amended Proof of Claim, after disposing of the vehicle and reducing said claim by the amount of the net proceeds received from the sale. The Debtor further moves to limit the time in which Insolve can file an Amended Claim to ninety (90) days after an order is entered granting this motion. Should an Amended Claim not be timely filed, the claim will be deemed to have been satisfied in full by the surrender of the collateral and no other payments will be paid on the claims. Debtor proposes to grant immediate relief from the stay in favor of Insolve to allow them to promptly collect the surrendered collateral. Should an amended claim be timely filed, said claim will be paid in full with 0% interest over the remaining life of the Debtor’s Chapter 13 plan. NOTICE IS HEREBY GIVEN THAT INSOLVE MUST EITHER REJECT THE MODIFIED PLAN OR OBJECT TO THE MOTION TO MODIFY IN WRITING ON OR BEFORE THE RESPONSE DEADLINE. IF INSOLVE DOES NOT AFFIRMATIVELY REJECT OR OBJECT, ITS SILENCE WILL BE DEEMED AS ACCEPTANCE OF THE PROPOSED MODIFIED PLAN.

6. As the result of such modification, the Debtor's Chapter 13 plan base shall be reduced to \$29,009.17 and the plan payments shall be reduced to \$0.00. The Debtor has satisfied the minimum dividend of 21% as required by the Confirmation Order.

7. The Chapter 13 plan shall remain open for a period of ninety (90) days from the date of the entry of the order granting this Motion pending the filing of an Amended Claim by Insolve. Should an Amended Claim be filed pursuant to Paragraph 4 above, the Debtor shall be required to modify her Chapter 13 plan to provide for such claim within thirty (30) days of the Amended Claim.

**WHEREFORE**, based upon the foregoing, the Debtor respectfully requests that the Court enter an Order, substantially in the form of the proposed order submitted herewith, that modifies the Debtor's Chapter 13 plan by granting relief from stay and surrendering the vehicle to Insolve.

Date: 08/12/2021

/s/ Alex Koval  
ALEX KOVAL, #029541  
Clark & Washington, PC  
Attorneys for Debtor(s)  
237 French Landing Drive  
Nashville, TN 37228  
615-251-9782; Fax: 615-251-8919  
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this the 12<sup>th</sup> day of August, 2021, true and correct copies of the foregoing have been served in the following manner:

***Email by Electronic Case Noticing to:***

Timothy Nirhos, Assistant U.S. Trustee  
Henry E. Hildebrand, III, Chapter 13 Trustee

***By U.S. Postal Service, postage prepaid to:***

The Debtor(s) at the above referenced address and all creditors on attached mailing matrix.

***By Certified Mail to:***

/s/ Alex Koval  
ALEX KOVAL, #029541

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<b>SSN: XXX-XX-2977</b>	)	
<b>Debtor.</b>	)	

**(PROPOSED) ORDER GRANTING MOTION TO MODIFY CHAPTER 13 PLAN  
UNDER 11 U.S.C. §1329 TO SURRENDER VEHICLE**

Upon consideration of the Motion to Modify filed herein on the **XXth day of August, 2021**; and the twenty-one (21) days having passed within which to file an objection; Debtor's Chapter 13 Plan shall be modified as follows:

1. The Debtor shall surrender the 2016 Chrysler 200 (the "Vehicle"), securing the obligations owed to Inland Bank Insolve Auto Funding ("Insolve").
2. Insolve shall be granted relief from the automatic stay to collect and dispose of the vehicle.
3. Insolve shall be allowed to file an Amended Claim within ninety (90) days of entry of this order. Payments required pursuant to 11 U.S.C. §1325(a)(5) shall be suspended pending the filing of an Amended Proof of Claim.
4. Should an Amended Claim not be timely filed, the claim shall be deemed to have been satisfied in full by the surrender of the collateral and no other payments shall be paid on the claim. Should an Amended Claim be timely filed, said claim will be paid in full with 0% interest over the remaining life of the Debtor's Chapter 13 plan.
5. As the result of such modification, the Debtor's Chapter 13 plan base shall be reduced to \$29,009.17 and the plan payments shall be reduced to \$0.00. The Debtor has satisfied the minimum dividend of 21% as required by the Confirmation Order.
6. The Chapter 13 plan shall remain open for a period of ninety (90) days from the date of the entry of the order granting this Motion pending the filing of an Amended Claim by Insolve. Should an Amended Claim be filed pursuant to Paragraph 4 above, the Debtor shall be required to modify her Chapter 13 plan to provide for such claim within thirty (30) days of the Amended Claim.

**ORDERED, ADJUDGED AND DECREED** that the Motion to Modify is granted as set forth above.

**THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS INDICATED  
AT THE TOP OF THIS PAGE.**

APPROVED FOR ENTRY:

/s/ Alex Koval

ALEX KOVAL, #029541

Clark & Washington, PC

Attorneys for Debtor(s)

237 French Landing Drive

Nashville, TN 37228

615-251-9782; Fax: 615-251-8919

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